

HOUSE BILL No. 1592

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-223.7; IC 16-28.

Synopsis: Long term care employee flu vaccinations. Requires health facilities to provide or make available to employees immunizations against the influenza virus. Provides that immunizations are not required if there is an inadequate supply of the vaccine. Provides specific reasons that prohibit a health facility from requiring an employee to receive an immunization. Repeals and relocates a definition.

Effective: July 1, 2009.

Moseley

January 16, 2009, read first time and referred to Committee on Public Health.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1592

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-223.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 223.7. "Medically
3 contraindicated", for purposes of IC 16-28-14 ~~has the meaning set forth~~
4 ~~in IC 16-28-14-1.~~ and IC 16-28-14.5, means that a vaccine would be
5 detrimental to an individual's health because of a medical
6 condition of the individual.

7 SECTION 2. IC 16-28-14.5 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2009]:

Chapter 14.5. Health Facility Employee Immunizations

11 Sec. 1. (a) Subject to obtaining an employee's consent, a health
12 facility shall immunize the employee of the health facility against
13 the influenza virus.

14 (b) A health facility shall conduct the immunizations required
15 under subsection (a) in accordance with the recommendations
16 established by the Advisory Committee on Immunization Practices
17 of the United States Centers for Disease Control and Prevention



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that are in effect at the time the health facility conducts the immunizations.

Sec. 2. A health facility shall annually administer or make available to be administered the immunizations required under this chapter to each employee of the health facility who is employed by the health facility during the period beginning October 1 and ending February 1 of the following year.

Sec. 3. A health facility is not required to provide or make available to the health facility's employees annual immunizations against the influenza virus if the department determines that the necessary vaccine is not in adequate supply.

Sec. 4. Notwithstanding any other provision of this chapter, a health facility shall not require an employee to receive an immunization under this chapter if:

(1) the health facility:

(A) has written documentation from the employee's physician or other health care provider indicating the date and place that the individual received an immunization required under this chapter; and

(B) determines that no additional immunization is required;

(2) the immunization is medically contraindicated for the employee;

(3) receiving the immunization is against the employee's religious beliefs; or

(4) the employee refuses to permit the immunization after being fully informed of the health risks.

SECTION 3. IC 16-28-14-1 IS REPEALED [EFFECTIVE JULY 1, 2009].

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